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In re Application of :  
Erich SCHOLZ (deceased), et al. :  
Application No.: 09/701,329 :  
PCT No.: PCT/DE99/03909 :  
Int. Filing Date: 07 December 1999 :  
Priority Date: 09 December 1998 :  
Attorney Docket No.: RCZ-98/098 :  
For: MIXING FIBROUS COMPONENTS :

DECISION ON  
PAPERS FILED  
UNDER 37 CFR 1.42

This is a decision on the papers filed 27 November 2000.

On 07 December 1999, applicants filed international application PCT/DE99/03909, which claimed priority of an earlier German application filed 09 December 1998. A copy of the international application was transmitted to the United States Patent and Trademark Office from the International Bureau on 15 June 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 06 June 2000. Accordingly, the thirty month period for paying the basic national fee in the United States expired at midnight on 07 June 2001. Applicants paid the basic national fee of \$430.00 on 27 November 2000.

In order to satisfy the requirement of 35 U.S.C. 371(c) and 37 CFR 1.495, applicants filed an oath or declaration of the inventors under 37 CFR 1.497 signed by joint inventors Franz Höck and Peter Engelhardt as well as by Rita Scholz and Olaf Scholz as heirs of the deceased joint inventor Erich Scholz.

CONCLUSION

The above application and papers have been reviewed and found not in compliance with 37 CFR 1.42 since Rita Scholz and Olaf Scholz do not identify themselves as the legal representatives or all the heirs of deceased inventor Erich Scholz. Also the declaration does not give the citizenship and residence for the inventor, see 37 CFR 1.497.

If reconsideration on the merits of the papers filed under 37 CFR 1.42 is desired, applicants are required to correct the above-noted defects within **TWO (2) MONTHS** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.42" and should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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